

## **REMARKS**

Applicants wish to thank the Examiner for her review of the present patent application. Applicants also submit that the amendment made raises no new issues that require further searching. Therefore, the amendment should be entered.

### **I. Objection to the Abstract**

In view of the present Office Action, it is understood that the previous objection to the abstract has been withdrawn.

### **II. New Rejection Under 35 USC §112, Paragraph 2**

The Examiner has rejected claims 1-8 under 35 USC §112, paragraph 2 and alleges that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Particularly, the Examiner alleges that use of "semi-liquid" is indefinite. While Applicants respectfully disagree, the term "semi-liquid" has been deleted from claim 1 in order to further business objectives and to expedite the prosecution of this application. In view of this, it is respectfully requested that the second paragraph rejection be withdrawn and rendered moot.

III. Final Rejection Under 35 USC §103

The Examiner has, again, rejected claims 1-8 under 35 USC §103 as being unpatentable over Guillain et al., U.S. Patent No. 6,399,129 (hereinafter '129). The Examiner maintains the rejection for the reasons set forth in Paper No. 7. Particularly, the Examiner mentions, in summary, that the '129 reference discloses a cooking aid consisting of an outer wall and an inner filling of flavoring core. The Examiner further mentions that the flavoring core comprises salt, glutamate, fat, neutral mass and a supplement of flavoring substances. Even further, the Examiner mentions that the outer wall consists of a mixture of various fats which have a melting temperature of 43-47°C.

In view of the above, the Examiner concludes that it would have been obvious to use the cooking aid described in the '129 reference in any food product when it is desired to add flavoring to a food product. Therefore, the Examiner continues to believe that the rejection made under 35 USC §103 is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position, again, that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

The present invention, as set forth in the amended claims, is directed to a melting body for introducing to food an organoleptically active filling that has additives. The melting body has a transport stable outer wall which dissolves in food and releases the filling comprising the additives whereby the filling is a liquid which by definition is free-flowing.

The invention of claim 1 is further defined by the dependent claims which claim, among other things, the melting point of the melting body, the size of the melting body, the fact that the filling is a seasoning that may be fat- or oil-based, the weight ratio of melting body wall material to filling, and the shape of the melting body.

In contrast, the '129 reference merely describes a cooking aid with a granular surface that is in the shape of a lump. The '129 reference further teaches that the flavoring core may comprise about 30-50 parts of salt, about 10-20 parts of glutamate, and about 10-20 parts of fat. Such a mixture is the basic composition of the typical solid bouillon cube. (Please see column 2, lines 23-25). Moreover, the '129 reference teaches that the core may be conditioned and shaped, further suggesting that such a core material is a solid. (Please see column 2, lines 54-57).

The present invention, as claimed, is directed to a melting body for delivering an organoleptically active filling comprising additives to foods wherein the filling is a liquid. The filling in the present invention is free flowing and cannot be shaped on its own as is the case in the filling described in the '129 reference.


It is clear therefore, that all the important and critical limitations set forth in the presently claimed invention are not found in the '129 reference. Also, it is not obvious to make a melting body with a free flowing core given the teachings set forth in the '129 reference. Thus, the Examiner has not established a *prima facie* case of obviousness as required under 35 USC §103. To this end, it is respectfully requested, again, that the rejection made under 35 USC §103 be withdrawn and rendered moot.

Applicants submit that claims 1-8, as amended, are now in condition for allowance.  
Reconsideration and favorable action are earnestly solicited.

Applicants further submit that claims 1-8 are ready for appeal.

In the event the Examiner has any questions or concerns regarding the present patent application, she is kindly invited to contact the undersigned at her earliest convenience.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ed A. Squillante, Jr.", written over a horizontal line.

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